CITY COMMISSION MEETING

MINUTES

FEBRUARY 24, 2015

6:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENT:

Maria Lowe, Mayor
Melinda Pletcher, Vice Mayor
Terri Finnerty, Commissioner
Rick Falkenstein, Commissioner
Gregory Premer, Commissioner

ALSO PRESENT:

Wayne Saunders, City Manager
Andrew Dickman, City Attorney
Rebecca C. Haynes, City Clerk
Elaine Edmunds, Administrative Services Director
Steve Hallock, Public Services Director
Jennifer McMahon, Recreation Director
Ian Wade, Project Manager
Stephen Yurcaba, IT Specialist
Dave Healey, Planning Consultant/Calvin, Giordano and Associates

1. Presentations

a. Barrier Island Re-Entry Program - Lieutenant Dahlstrom

Lieutenant Dahlstrom provided an overview on the re-entry program that utilizes bar codes for residents, property owners and business owners.

2. Changes to the Agenda

Mayor Lowe requested to move Item 6(a) and Item 7(a), to act upon immediately after the Consent portion of the agenda.

Commissioner Falkenstein requested clarification on Items 4 (b), (c), and (d).

3. Audience Comments

Tom Quinn, Sunset Way, commented on the efficiency of the re-entry program procedure to obtain a permit and requested an update on the conversion of public buildings in regard to the library and city hall.

4. Consent

a. Authorization for the City Manager to enter into an agreement with the Florida Department of Law Enforcement accepting an Edward Byrne Memorial - U.S. Department of Justice Assistance Grant of Non-Matching Funds in the amount of $2,810.00.

b. Authorize the City Manager to enter into a purchase agreement with Cribb Philbeck Weaver Group, Inc., (CPWG), for $66,856 for Alley Rehabilitation.

c. Authorize the City Manager to enter into a purchase agreement with Midcoast Construction Enterprises, LLC, for $64,750.00 for Alley Rehabilitation.

d. Authorize the City Manager to enter into a one-year contract extension with Ashbritt, Inc. for Disaster Debris Removal for storm events.

e. Authorize the City Manager to enter into a unit price purchasing agreement with Florida Safety Contractors, Inc. for concrete sidewalk and apron replacement.

f. Authorize the City Manager to enter into a unit price purchasing agreement with MTM Contractors, Inc. for curb replacement.

City Manager Saunders reviewed the items and recommended approval as submitted.

Vice Mayor Pletcher moved to approve Consent Items (a), (b), (c), (d), (e), and (f) as presented. The motion was seconded by Commissioner Premer.

Mayor Lowe called for audience comments.

Hearing no audience comments, Mayor Lowe called for the vote.

The motion was unanimously approved by an individual roll call vote.

It was previously requested and approved to act upon Items 6(a) and 7(a) immediately following Item 4.

6. Resolution

a. Resolution No 2015-02, approving a Compliance Agreement, pursuant to Sec. 163.3184(6), between the City of St. Pete Beach and James Anderson, Joseph Kody and John Miller, resolving Case No. 13-003401-GM, Florida Division of Administrative Hearings. This is a companion item with Ordinance No. 2015-05.

City Attorney Dickman reviewed the proposed Compliance Agreement which was reached during negotiations between staff and the petitioners for a settlement of the challenge to the Comprehensive Plan. The resolution approves the Compliance Agreement between the City and the Petitioners, resolving the DOAH case and authorizing the execution of the agreement. Attached to the resolution is the Compliance Agreement; Exhibit "A," the amended petition; and Exhibit "B," the remedial actions.

Mr. Dickman further explained that the remedial actions included in the Compliance Agreement are twofold: the first part is the set of studies that the City has agreed to complete, and the second part includes the amendments to the Comprehensive Plan. The proposed ordinance, Item 7(a), addresses the remedial plan amendments which will become effective 15 days after the final hearing and adoption.

Vice Mayor Pletcher moved to approve Item 6(a), to approve Resolution 2015-02, pursuant to the Compliance Agreement, a resolution of the City of St. Pete Beach, Florida, City Commission, with attachments; approving a Compliance Agreement ("Agreement") between the City of St. Pete Beach and the Petitioners, James Anderson, Joseph Kody and John Miller; resolving Division of Administrative Hearings ("DOAH") Case No. 13-003401-GM; authorizing the Mayor to execute the agreement in substantially the form attached; directing the City Manager to submit and implement remedial action in the manner provided by the agreement. The motion was seconded by Commissioner Finnerty.

Mayor Lowe called for audience comments.

City Attorney Dickman noted that it is permissible to take audience comments on Items 6(a) and 7(a) at the same time.

<u>Deborah Nicklaus, Sirata Beach Resort</u>, stated that the Nicklaus family submitted earlier correspondence for the record and commended City staff on quickly familiarizing themselves on the Comprehensive Plan issues. Ms. Nicklaus commented that the vision of the Comp Plan has changed with the recent revisions to the conditional use process.

<u>Timothy Weber, attorney representing the petitioners</u>, expressed his appreciation to the parties involved in the negotiation process for their commitment in reaching a resolution

in the dispute. Mr. Weber noted the quasi-judicial proceedings are an integral part of the agreement.

City Attorney Dickman noted the amendments will be incorporated into the Comprehensive Plan, and the Land Development Code will be modified to mirror and clarify the amendments.

Tim Bogott, CEO/The Tradewinds Island Resorts, noted his concern with the process for minor permits and an easement along the water's edge. Mr. Bogott stated that he preferred an ordinance as opposed to an easement for title purposes.

City Attorney Dickman recommended replacing the word "may" for the word "shall" which is the same language currently contained in the Comprehensive Plan.

Mr. Weber stated his clients will concur with the recommended word change.

Mr. Bogott stated the word "may" was contained in the original document.

Bill Pyle, Sunset Way, complimented the parties involved in negotiations on their unified action and expressed his appreciation.

Harry Metz, Pass-A-Grille Way, expressed his appreciation in bringing the Comprehensive Plan issues to a conclusion.

> **Commissioner Pletcher moved to amend her motion: Exhibit "B," Remedial Action, Page 15, Policy 5, to change the word "shall" to "may" as in: "All large-scale development and redevelopment projects approved under Scenario 2 as defined under Permitted Uses & Standards for this Large Resort character district category *may* be required to provide an easement to the City for unimproved public access landward of the mean high water line to provide a continuous, uninterrupted pedestrian beach system along the Gulf of Mexico prior to any building permit being issued." Commissioner Finnerty seconded the amended motion.**

Hearing no further discussion, the Mayor called for the vote.

> **The motion, as amended, was unanimously approved by an individual roll call vote.**

7. Ordinance

a. Ordinance No 2015-05, First Reading and Public Hearing, amending Part I, Citizen Input on Community Redevelopment, and Part II, Future Land Use Element of the City of St. Pete Beach Comprehensive Plan pursuant to the Compliance Agreement, resolving Division of Administrative Hearings Case No. 13-003401-GM

City Attorney Dickman explained that the proposed ordinance incorporates the language contained in the Compliance Agreement that will be included in the Comprehensive Plan in its entirety. Mr. Dickman noted that the ordinance has been duly advertised and recommended approval.

City Manager Saunders noted the following adjustment, as in Item 6(a), as follows: Exhibit "A," Page 57, Policy 5, change the word "shall" to "may" as in the resolution.

> **Commissioner Premer moved to approve Item 7(a), Ordinance 2015-05, on first reading, pursuant to the Compliance Agreement, an ordinance of the City of St. Pete Beach, Florida, City Commission, amending the text of the Comprehensive Plan by amending Part I, Citizen Input on the Community Redevelopment, and Part II, Future Land Use Element, pursuant to the remedial action specified in the Compliance Agreement ("Agreement") resolving Division of Administrative Hearings ("DOAH") Case No. 13-003401-GM; providing for publication in accordance with the requirements of law; and providing for an effective date, with the amendment on Page 57, Policy 5, changed from: "All large scale development and redevelopment projects approved under Scenario 2, as defined under Permitted Uses & Standards for this Large Resort character district category, *may* be required..." The motion was seconded by Commissioner Falkenstein.**

Mayor Lowe called for audience comments.

Hearing no audience comments, Mayor Lowe called for the vote.

> **The motion was unanimously approved by an individual roll call vote.**

Mayor Lowe requested Mr. Harry Metz and Mr. Brooks Cavender, representatives from the Veterans of South Pinellas organization, to the podium for a presentation.

Mr. Metz and Mr. Cavender presented a Certificate of Appreciation to the City Clerk, Rebecca Haynes, honoring her volunteer services during the "Salute to the Military and First Responders" event held in Pass-A-Grille for the past three years.

Commissioner Premer was excused from the meeting due to illness.

5. Action Items

a. Update on capital and enterprise fund projects and authorization to proceed with a Request for Proposals for a bank note to be funded through the Stormwater Fund

Jeff Larson, Financial Planner, explained that project estimates have been received from the Pass-A-Grille Way Reconstruction Project and the Blind Pass Road

Reconstruction Project. Mr. Larson noted that the $3 million bank note will be paid through the Stormwater Utility Fund.

Commissioner Finnerty moved to approve Item 5(a), to authorize the City Manager to proceed with a request for proposal for a Stormwater Utility bank note of up to $3,000,000 to be paid by the Stormwater Fund. The motion was seconded by Commissioner Falkenstein.

Mayor Lowe called for audience comments.

Michael Lehman, 80th Avenue, spoke in support of establishing a financial strategy and discussed water quality in conjunction with improvements.

Hearing no further audience comments, Mayor Lowe called for the vote.

The motion was unanimously approved by an individual roll call vote.

b. Approval of Nabors, Giblin & Nickerson, P. A. as Bond Counsel for a capital financing bank note and bond debt issues

Mr. Larson clarified that the bond counsel's responsibility is to (1) ensure the debt is legal, valid and binding and (2) provide a tax opinion.

Commissioner Finnerty moved to approve Item 5(b), to authorize the City Manager to enter into an agreement with Nabors, Giblin & Nickerson, P.A., as bond counsel for the City of St. Pete Beach, subject to review and approval of the City Attorney. The motion was seconded by Commissioner Falkenstein.

Mayor Lowe called for audience comments.

Hearing no audience comments, Mayor Lowe called for the vote.

The motion was unanimously approved by an individual roll call vote.

c. Approval of Akerman, LLC as Disclosure Counsel for the proposed Capital Improvement Revenue Bonds, Series 2015

Mr. Larson noted the proposed disclosure counsel oversees the underwriters' counsel and prepares the offering document.
Mr. Saunders noted that he preferred utilizing two separate firms as a check and balance system.

Commissioner Finnerty moved to approve Item 5(c), to authorize the City Manager to enter into an agreement with Akerman, LLC as Disclosure

Counsel for the City of St. Pete Beach upon review and approval of the City Manager. The motion was seconded by Commissioner Falkenstein.

Mayor Lowe called for audience comments.

Hearing no audience comments, Mayor Lowe called for the vote.

The motion was unanimously approved by an individual roll call vote.

d. Confirmation of Stifel, Nicolaus & Company, Inc. and RBC Capital Markets as Underwriters to the City of St. Pete Beach for its proposed up to $13,000,000 Capital Improvement Revenue Bond, Series 2015

Mr. Larson explained the third item of the bond issues is the underwriting of the bonds. There is no engagement letter and the fee is paid once the bonds are successfully priced and sold.

Vice Mayor Pletcher moved to approve Item 6(d), to confirm the unanimous recommendation of the Selection Committee of Stifel, Nicolaus & Company, Inc. as Senior Underwriter and RBC Capital Markets as Co-Managing Underwriter for the Series 2015 Bond issue. The motion was seconded by Commissioner Finnerty.

Mayor Lowe called for audience comments.

Hearing no audience comments, Mayor Lowe called for the vote.

The motion was unanimously approved by an individual roll call vote.

e. Approval of a scope modification from Land & Water Engineering Science (LWES) in the amount of $2,420 for the Egan Park Project

City Manager Saunders explained the modification incorporates the rain garden as the first phase of the environmental portion of the project.

Commissioner Finnerty moved to approve Item 5(e), to ratify the City Manager's decision to accept a scope modification from Land & Water Engineering Science in the amount of $2,420 for the Egan Park Project. The motion was seconded by Commissioner Falkenstein.

Mayor Lowe called for audience comments.

Michael Lehman, 80th Avenue, spoke in support of fees and a survey to determine resident use of the boat launch.
Hearing no further audience comments, Mayor Lowe called for the vote.

The motion was unanimously approved by an individual roll call vote.

f. Authorize the City Manager to sign an Individual Project Order (IPO) with Kimley-Horn and Associates, Inc. for $116,580 to perform general engineering and consulting services for a city-wide wastewater Inflow & Infiltration (I&I) Study.

City Manager Saunders requested approval to conduct the first step in the I&I Study to compile the specifications to clean and photograph the pipe system, conduct a capacity study, prioritize a future work schedule and provide recommendations on the type of work to complete.

Vice Mayor Pletcher moved to approve Item 5(f), to authorize the City Manager to sign an Individual Project Order (IPO) with Kimley-Horn and Associates, Inc. for $116,580 to perform general engineering and consulting services for a city-wide wastewater Inflow & Infiltration (I&I) Study. The motion was seconded by Mayor Lowe.

Mayor Lowe called for audience comments.

Hearing no further audience comments, Mayor Lowe called for the vote.

The motion was unanimously approved by an individual roll call vote.

g. Authorize the City Manager to sign a proposal from Play Space Services, Inc. in the amount of $48,880 to resurface the McKenney Park playground.

Mr. Saunders noted the proposed re-surfacing is included in this year's budget and requested approval to move forward with the project.

Commissioner Finnerty moved to approve Item 5(g), to authorize the City Manager to sign a proposal from Play Space Services, Inc. in the amount of $48,880 to resurface the McKenney Park playground. The motion was seconded by Commissioner Falkenstein.

Mayor Lowe called for audience comments.

Hearing no further audience comments, Mayor Lowe called for the vote.

The motion was unanimously approved by an individual roll call vote.

8. <u>Items for Discussion</u>

Mayor Lowe requested to add a discussion in regard to meeting procedures to a future agenda.

9. Audience Comments

There were no audience comments.

10. City Clerk, City Manager, City Attorney and City Commission Reports

City Clerk Haynes reported on the following items:

- Expressed appreciation for the recognition by Mayor Lowe and the Veterans of South Pinellas for volunteer services
- Provided an update on the luncheon to be sponsored by the City of St. Pete through the Suncoast League of Cities at the Sirata Beach Resort's Compass Grille
- Continuing to work with the Florida League of Cities to schedule a date for an elected officials training session on ethics, public records and the Sunshine Laws

City Attorney Dickman reported on the following items:

- Meeting with the City's various special counsel: labor attorney, special magistrate and insurance carrier

Vice Mayor Pletcher reported on the following items:

- Presented a proclamation to visitors from Isle of Wight with a presentation by Pass-A-Grille resident, Spencer Lucas
- Pass-A-Grille Women's Tour is scheduled for Saturday, February 28th
- Vina del Mar Island Association is sponsoring a school fundraiser at the Community Center on March 6th

Commissioner Falkenstein reported on the following items:

- Observed the clean-out procedure of a Stormwater drain
- Encouraged people to attend the Honor Walk located at Upham Beach and discussed replacing the flags displayed in the Honor Walk area
- Discussed trash cans moved on the beach for easier access by visitors
- Discussed an inoperable parking meter and parking meter with graffiti
- The "Public Stuff" application will be available soon which will allow the public to electronically report problems to the City, such as damaged traffic signs, clogged storm drains, etc.
- The Municipal Election will be held Tuesday, March 10, 2015 from 7:00 a.m. to 7:00 p.m.

Commissioner Finnerty reported on the following:

- The Sunset Park Festival on February 14th was very successful and the March 14th Sunset Park Festival will be from 6:00 p.m. to 8:00 p.m.
- Continuing to work on Gulf Beaches Elementary School signage and lighting on Blind Pass Road and Boca Ciega Drive

- Expressed appreciation for crosswalk installation on 85th Avenue and 87th Avenue
- Distributed PSTA bus stop-district maps to Commissioners
- Obtained an updated address list for Support Our Troops mailings from the Pinellas County Supervisor of Elections Office
- Attended the Suncoast League of Cities luncheon and volunteered to serve as an alternate representative

Mayor Lowe reported on the following:

- Showed an aerial photo of the Bayway Bridge area
- Provided an update on the activities for the Bayway Bridge dedication in honor of Command Sergeant Major Gary Littrell on March 28th
- The Pass-A-Grille Women's Home Tour is Saturday, March 28th and tickets are still available through local merchants

11. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 10:33 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Maria Lowe, Mayor

Minutes approved on: 4-14-2015